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ISOLATED TRACTS—SECTION 2455, REVISED STATUTES, AS  
AMENDED BY ACT OF MARCH 28, 1912 (PUBLIC, NO. 111).

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DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
Washington, D. C., April 30, 1912.

*Registers and Receivers, United States land offices.*

SIRS: Your attention is directed to the act of Congress, approved March 28, 1912 (Public, No. 111), amending section 2455, Revised Statutes of the United States, to read as follows:

*"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section twenty-four hundred and fifty-five of the Revised Statutes of the United States be amended to read as follows:*

*"Sec. 2455. It shall be lawful for the Commissioner of the General Land Office to order into market and sell at public auction, at the land office of the district in which the land is situated, for not less than one dollar and twenty-five cents an acre, any isolated or disconnected tract or parcel of the public domain not exceeding one-quarter section which, in his judgment, it would be proper to expose for sale after at least thirty days' notice by the land officers of the district in which such land may be situated: Provided, That any legal subdivisions of the public land, not exceeding one-quarter section, the greater part of which is mountainous or too rough for cultivation, may, in the discretion of said Commissioner, be ordered into the market and sold pursuant to this act upon the application of any person who owns lands or holds a valid entry of lands adjoining such tract, regardless of the fact that such tract may not be isolated or disconnected within the meaning of this act: Provided further, That this act shall not defeat any vested right which has already attached under any pending entry or location."*

*"Approved, March 28, 1912."*

The material change is found in the first proviso, authorizing the sale of legal subdivisions not exceeding one-quarter section, the greater part of which is mountainous or too rough for cultivation, upon the application of any person who owns or holds a valid entry of lands adjoining such tract, and regardless of the fact that such tract may not be actually isolated by the entry or other disposition of surrounding lands. It is left entirely to the discretion of the Commissioner of the General Land Office to determine whether a tract shall be sold, and it will not be practicable to prescribe a set of rules governing the conditions which would render a tract susceptible to sale under the proviso. Applications will be disposed of by you in accordance with the isolated-tract regulations contained in circulars of January 19, 1912, No. 71 (general) and No. 72 (Kinkaid

territory in Nebraska), except that paragraph 7 of Circular No. 71 and paragraph 22 of Circular No. 72 are not applicable, and no tract within the territory affected by the Kinkaid Act in Nebraska, exceeding 160 acres in area, will be ordered into the market under the first proviso to section 2455. Applications may be made upon the forms provided (4-008B and 4-008C) and printed in the circulars above named, properly modified as necessitated by the terms of the proviso. In addition, the applicant must furnish evidence of his ownership of adjoining land, or that he holds a valid entry embracing adjoining land, in connection with which entry he has fully met the requirements of law; also detailed evidence as to the character of the land applied for, the extent to which it is cultivable, and the conditions which render the greater portion unfit for cultivation; also a description of any and all lands theretofore applied for under the proviso or purchased under section 2455 or the amendments thereto. This evidence must consist of an affidavit by the claimant, corroborated by the affidavits of not less than two disinterested persons having actual knowledge of the facts.

No sale will be authorized under the proviso upon the application of a person who has procured one offering thereunder except upon a showing of strong necessity therefor owing to some peculiar condition which prevented original application for the full area allowed to be sold at one time, 160 acres. And in no event will an application be entertained where the applicant has purchased under section 2455, or the amendments thereto, an area which, when added to the area applied for, shall exceed approximately 160 acres.

Until it becomes necessary to reprint the same (when a new supply will be furnished you), you will use the form of notice for publication now provided for isolated-tract sales, but in all cases, whether the sale is ordered under the body of the act or the proviso, you will insert, in lieu of "June 27, 1906 (34 Stat., 517)," the words "March 28, 1912 (Public, No. 111)," and where the sale is authorized under the proviso you will add after the description of the land, "This tract is ordered into the market on a showing that the greater portion thereof is mountainous or too rough for cultivation."

The provisions of section 2455 relating to the sale of tracts actually isolated are not changed by this act, and such applications will be governed by the regulations contained in Circulars Nos. 71 and 72, *supra*, as heretofore.

Very respectfully,

FRED DENNETT,  
*Commissioner.*

Approved:

SAMUEL ADAMS,  
*First Assistant Secretary.*